/s/ Robert A. Burnside, Jr. Circuit Court Judge Ref. Code: 21ID5RG2 E-FILED | 8/19/2021 11:11 AM CC-41-2020-F-430 Raleigh County Circuit Clerk Paul H. Flanagan

## In the Circuit Court of Raleigh County, West Virginia

State of West Virginia, Plaintiff,	)	
vs.)	)	Case No. CC-41-2020-F-430
TREMAINE LAMAR JACKSON, Defendant	) )	
	)	

## SENTENCING ORDER

On the 11th day of August, 2021, came the State of West Virginia by Brian D. Parsons, Assistant Prosecuting Attorney; the defendant, Tremaine Lamar Jackson, appearing in person and by counsel, Kris N. Kostenko; and the Probation Department of this Court appearing by Chris Houck, Probation Officer, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to his conviction for First Degree Murder, Count One, Use of a Firearm in Commission of Count One, Count Two, Felon in Possession of a Firearm, Count Three and Use of a Firearm in Count Three, Count Four, by virtue of a verdict of guilty by a petit jury on March 5, 2021.

The Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said report.

The Court offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant's counsel addressed the Court. The defendant did address the Court. The State addressed the Court thereafter with argument.

Whereupon, the Court, after having given all parties an opportunity to be heard, is of the opinion and therefore, it is the ORDER and JUDGMENT of the Court that for the defendant's conviction for the felony offense of First Degree Murder, as charged in Count One of Indictment No. 20-F-430, the defendant, consistent with the petit jury's recommendation of mercy, be hereby sentenced to life in prison with a recommendation of mercy in the West Virginia State Penitentiary. For the Defendant's conviction for the felony crime of Use of a Firearm in the Commission of the felony crime of First Degree Murder in Count One as charged in Count Two of Indictment No. 20-F-430, the defendant be hereby sentenced to a determinate sentence of Ten (10) years. For the defendant's conviction for the felony crime of Use of a Firearm in Count Three as charged in Count Four of Indictment No. 20-F-430, the defenant be hereby sentenced to a determinate sentence of Ten (10) years. The Sentences are to be served CONSECUTIVELY. FURTHERMORE, THE Court ORDERS the sentences herein shall be served CONSECUTIVELY with the defendant's prior conviction for Voluntary Manslaughter in Kanawha County Circuit Court.

The Court in acting upon the defendant's application for alternative sentence

reviewed the pre-sentence investigation report and took the following matters into consideration:

- 1. The crime was planned;
- 2. The decision made by the defendant had a high likelihood of ending in violence;
  - 3. The defendant's conduct was cold, cruel and calculated;
- 4. To permit an alternative sentence would unduly depreciate the seriousness of the offenses.

Based thereon, it is further the ORDER and JUDGEMENT of the Court that the defendant's application for alternative sentencing should be and the same is hereby DENIED.

The effective sentence for this crime shall be March 5, 2021. The defendant shall be credited with Two Hundred and Twenty-One (221) days' time served with the West Virginia Regional Jail Authority while awaiting disposition of this matter. The defendant shall be assessed the sum of Five Hundred Dollars (\$500) for the services of the Public Defenders Office.

It is further the ORDER and JUDGMENT of this Court that the defendant shall be assessed all court costs associated with this matter. All court costs are to be paid within the period of his supervision. The Court advises the defendant that failure to pay the fine and court costs assessed within twenty-four (24) months of his release from confinement may result in the loss of his West Virginia driver's license.

Furthermore, the defendant is advised of his right to appeal the Courts judgment to the Supreme Court of Appeals of West Virginia.

It is further the ORDER and JUDGMENT of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. An attested copy of the Order shall be sent to Brian D. Parsons, Raleigh County Assistant Prosecuting Attorney, Kris N. Kostenko, Defense Counsel, Det. Nick Walters, BCPD and WVDOC. Entered this the 18th day of August, 2021.

Isl Robert A. Burnside, Jr.
Circuit Court Judge
10th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.